GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PS – PR &RD Department - Allegations of irregularities in execution of the work "Construction of CC road and drains in HW to Muktumpuram of Ranastalam (M)" taken up under MGNREGS programme for the financial year 2012-13 – Disciplinary proceedings initiated against Sri Y.Balaraju, the then Deputy Executive Engineer, PRSD, Nellimarlam(now retd.) – Charges partially proved in the Regular Enquiry – Representation received - Imposing a penalty of 5% cut in pension for a period of two (2) years under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 47 **Dated: 04-02-2021**

Read the following :

1. Vigilance & Enforcement Department, Vigilance Report No.58 (C.No.481-4/V&E/E2/20132), Dt.25.07.2015.
2. G.O.Rt.Nos.536 & 542, PR&RD (Vig.I) Department, Dt.31.05.2016.
3. From Y.Balaraju, former DEE, PRI, Etcherla, Srikakulam Dist, WSD, Dt.24.06.16.
4. G.O.Rt.No.38, PR&RD (Vig.I) Department, Dt.21.01.2019.
5. From Superintending Engineer, Panchayat Raj, Vizianagaram Dist., Lr.Rc.No.32/2019/A1, Dt.13.06.2019.
6. Govt.Memo.No.14449/Vig.I/2015, PR&RD (Vig.I) Department, Dt.31.12.2019.
7. From ENC, PR, AP, Lr.No.Vig.I(1)/3360/2015, Dt.11.02.2020.
8. Govt. Memo No.14449/Vig. I/2015, PR&RD (Vig. I) Dept., Dt: 09.07.2020.
9. From Sri Y. Bala Raju, Dy.EE, PRI SD, Nellimarla, Vizianagaram Dist. (Retd.), representation dt: 17.08.2020.
10. Govt. Letter No.14449/Vig. I/2015, PR&RD (Vig. I) Dept., Dt: 12.11.2020.
11. From the Secretary, A.P. Public Service Commission, AP, Vijayawada, Letter No. 396/DC&C/2020, dt: 04.01.2021.

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ORDER :

In the reference 2nd read above, , Government have initiated common disciplinary proceedings duly framing the following article of charges against Sri Y.Balaraju, the then Deputy Executive Engineer, PRSD, Nellimarla (now retd) in respect of allegations of irregularities

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in execution of work "Construction of CC road and drains in HW to Muktumpuram of Ranastalam (M)" taken up under MGNREGS programme for the financial year 2012-13 with a direction to submit his written statement of defence :

Charge:

That Sri Y.Balaraju, Deputy Executive Engineer, PR Sub-Division, Nellimerla has involved in allegations of irregularities in execution of the work Construction of CC roads and Drains in HW Muktumpuram of Ranasthalam (M) est. rs.16.00 lakhs of PRI Sub-division, Etcherla. He executed CC Pavement with inferior quality in the works in deficiency in thickness infilling the sand underneath the CC Pavement and Bit 2 & 3 with deficiency in thickness due to which an amount of Rs.9,43,165/- is loss caused to Government funds.

2. In the reference 3rd read above, Sri Y.Balaraju, the then Deputy Executive Engineer, PRSD, Nellimarla (now retd.) has submitted his written statement of defence. As the same is not convincing, Government have decided to conduct regular inquiry into the matter. Accordingly, in the reference 4th read above, Government appointed the Superintendent Engineer, Panchayat Raj, Vizianagaram District as the Inquiring Authority to conduct inquiry into the charges framed against the charged officer Sri Y.Balaraju, the then Deputy Executive Engineer, PRSD, Nellimarla (now retd) including against nine (9) other co-charged officers involved in the case.

3. In the reference 5th read above, the Inquiring Authority has submitted inquiry report dt:13.06.2019, wherein the Inquiry Officer, among others, has held that charges are partly proved against the charged officer Sri Y.Balaraju, the then Deputy Executive Engineer, PRSD, Nellimarla (now retd.).

4. In the reference 6th read above, Government, among others, have communicated a copy of the inquiry report to the charged officer Sri Y.Balaraju, the then Deputy Executive Engineer, PRSD, Nellimarla (now retd.) for his representation, if any on the findings of the Inquiry Officer.

5. In the reference 7th read above, the Engineer-in-Chief, Panchayat Raj, AP, Vijayawada has forwarded the representation of Sri Y.Balaraju, the then Deputy Executive Engineer, PRSD, Nellimarla (now Retd.). In the said representation, the charged officer has stated that, the Inquiry Officer given findings holding that charge is partly proved in terms of deficiency in thickness of CC pavement. But the CC pavement in thickness which was more than 20% was re-laid with permission of higher authorities at the expense of executing agency

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and after relaying, the CC pavement is ranging from 180 to 190 mm and hence there is no loss. He has requested to re-consider the above matter and drop further action against him by taking a lenient view since all his pensionary benefits are pending due to the above case.

6. Government have examined the matter and observe that the Vigilance & Enforcement Department have conducted inspection and noticed deficiencies in the execution of the above works. After such inspection by the Vigilance only, the CC pavement was re-laid at the cost of executing agency subsequently. Otherwise, the same would have been carried out resulting substandard execution. As such the contention of the charged officer that the CC pavement was re-laid at the cost of executing agency and no loss is not tenable. The Charged Officer failed to discharge his legitimate duties and not absolved from the charge and responsible. Hence, his contention to exonerate him from the charge by taking a lenient view is devoid of merits.

7. In view of the above, Government after examination of the matter, have taken a provisional decision to impose a penalty of 5% cut in pension for a period of two (2) years against Sri Y.Balaraju, the then Deputy Executive Engineer, PRSD, Nellimarla (now Retd.) under Rule 9 of A.P Revised Pension Rules, 1980. Accordingly, in the above reference 8th read above, Government have communicated the above provisional decision to the charged officer calling for his representation if any in the matter. In reply to this, Sri Y. Bala Raju, Deputy Executive Engineer (PR)(Retd.) has submitted his representation vide reference 9th read above, duly stating that he was retired from service and pension and terminal benefits are pending. As such he has no option except to bow his head and requested to conclude the action at an early date.

8. Government have examined the representation of the Charged Officer and decided to proceed further with the above proposed penalty as he did not submit any new grounds for consideration and accordingly addressed the A.P. Public Service Commission for their concurrence vide references 10th read above.

9. In the reference 11th read above, the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the above penalty against the charged officer and advised to take action accordingly.

10. Government, after careful examination of the matter, hereby impose the penalty of 5% cut in pension for a period of two (2) years against Sri Y. Bala Raju, former Deputy Executive Engineer, PRI Division, Nellimarla, Vizianagaram District (now Retired) under Rule 9 of A.P. Revised Pension Rules, 1980 in the matter.

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11. The Engineer-in-Chef, Panchayat Raj, A.P, Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Y. Bala Raju, former Deputy Executive Engineer, PRI Division, Nellimarla, Vizianagaram District (now Retired)

through the Engineer in Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada (with a request to serve the order on the individual and furnish the served copy)
Copy to:

The Secretary to Vigilance Commission, Andhra Pradesh Vigilance Commission, Velagapudi.
The Secretary, A.P. Public Service Commission, Vijayawada.
The Accountant General, A.P, Hyderabad.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER